

Ventrella

Synopsis of Senate Amendments

1. Limits expungement procedures to apply only to certain adjudicatory proceedings of certain professional or occupational licensing boards and the La. Board of Pharmacy.
2. Provide for rescission of certain board actions.
3. Provides that a written opinion of the attorney general, rather than a finding by the attorney general, serves as the basis of an expungement.
4. Authorizes a person permitted by the La. Board of Pharmacy to operate a pharmacy to request board action rescission and expungement of adjudication proceeding records under certain limited circumstances.
5. Provides for the submission of a void report to a third-party data bank.

board and the pharmacist committed a regulatory violation or criminal act while in the course and scope of his employment without the knowledge or consent of the person who holds the pharmacy permit.

- (2) Upon learning of the regulatory violation or criminal act of the pharmacist, the person who holds the pharmacy permit terminated the pharmacist and reported the regulatory violation or criminal act to the board or any other appropriate state or federal regulatory or law enforcement agency.
- (3) No other state or federal agency with regulatory or law enforcement jurisdiction took adverse action against the person who holds the pharmacy permit.
- (4) The person permitted to operate a pharmacy entered into a stipulation, agreed settlement, or consent order with the board as a result of the pharmacists' regulatory violation or criminal act and the stipulation, agreed settlement, or consent order was reported to a third-party databank.

Proposed law authorizes a person who holds or has held an occupational license issued by a professional occupational licensing board, a pharmacist, or person permitted to operate a pharmacy to request board action rescission or expungement of adjudication proceeding records if at the conclusion of adjudication proceedings there is no finding that the person violated the law.

Proposed law provides that such a person who seeks board action rescission or expungement shall file with the respective board a written request for board action rescission and expungement setting forth the facts that demonstrate that the grounds for such action are satisfied.

Proposed law requires that if the facts stated in the request demonstrate that the grounds for board action rescission or expungement are satisfied, the board order rescission of the board action and expungement of the adjudication proceeding records relative to the adverse action.

Proposed law provides that the respective board may enter into a non-disciplinary stipulated order with the person agreeing to rescind board action and expunge the related board records, which shall state the provisions that authorize the board action rescission and expungement.

Proposed law provides that if the order of expungement involves records of the division of administrative law, the board shall ensure that the order of expungement is served on the director of the division of administrative law as soon as practicable after issuance.

Proposed law requires the board to remove from public access all stipulations, agreed settlements, consent orders, board orders, and adjudication proceeding records that are ordered to be expunged, however, the records shall not be destroyed.

Proposed law provides that an expunged adjudication proceeding record shall be privileged, confidential, no longer be considered a public record, and not be made available to any person or entity other than the board.

Proposed law provides that all records concerning a request to rescind a board action and for expungement shall be confidential and shall not be made available to any person or other entity, except that such record shall be available to the board.

Proposed law provides that the board shall submit a void report to any third-party data bank to which the board action had been reported to stating that the action of the board has been fully and unequivocally rescinded and that no record of violation exists for the person as it relates to the board stipulation, agreed settlement, or consent order for the specific matter that was the subject of the rescission.

(Amends R.S. 44:4.1(B)(24) and (35); Adds R.S. 37:1249.1 and R.S. 49:980.1)